

equipment to mitigate the problem. Not something that a local government body is routinely equipped to deal with nor to act in a truly objective manner, especially since the ordinance in question was promulgated to defend the public safety radio systems of the local government as not contributory or blameworthy in any way for any interference problem created by operation alongside other commercial radio services in the locality.

As cited by the Petitioner, in the Communications Act of 1982 Congress clearly removed any doubt as to the jurisdiction of the Commission over matters of RFI. However, as shown by the examples cited by the Petitioner, local communities continue unabated in attempting to curtail or prohibit operation of radio frequency transmitting equipment in the interest of eliminating or preventing RFI.

For example, the Laurel Oak Park Homeowners Association of Bradenton, Florida in its Declaration of Covenants, Conditions and Restrictions at Article 10.08, Antennas and Masts, prohibits installation or operation of any device which creates interference:

“No television, radio, or other electronic or communications antenna, mast, dish, disk or other similar device for sending or receiving television, radio or other communication signals shall be permitted upon any Lot or improvement thereto, except in conformance with uniform rules and standards established by the ARC. No such device is permitted under any circumstances if it sends, contributes to or creates interference with any radio, television or other communications reception or interferes with the operation of other visual or sound equipment located within any part of the Subdivision.”

The Commission should, in addition to issuance of a decision declaring the Anne Arundel County ordinance null and void, consider initiation of a rulemaking proceeding for the purpose of developing a regulation or section of regulations to clearly define and delineate its authority over RFI.

Development of a regulation clarifying its RFI authority and jurisdiction would reduce the additional expense and burden on the Commission from future Declaratory Ruling proceedings on this matter.

Respectfully Submitted,

(electronically)

/s/

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